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10/608,685	06/27/2003	Brandon Burrell	60046.0055USU1	8303

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>01 May 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   This communication is responsive to an amendment filed 5/1/07.

2.   Claims 1-22 are pending in this application; and, claims 1, 9, 12 and 15 are

independent claims. This action is made Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

4.   Claims 1-5, 7-10, 12-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Piwonka et al. ("Piwonka") in view of *Teach Yourself Web Publishing*

with HTML 4 in a Week ("HTML").

As per claim 1, although Piwonka teaches a method of providing a BIOS

generated display of strings in a computer comprising providing a set of strings to be

displayed by the BIOS (figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28); moreover,

providing a first string of the set to be displayed in a first format and wherein when

displaying the first string of the set, encountering by a display engine of the BIOS to

generate the display of the first string with the portion of the first string displayed in the

first format (figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28), Piwonka does not explicitly

disclose providing a first escape code within a first string of the set wherein the first

escape code provides an indication of at least a portion of the first string that is to be

displayed in a first format so that upon encountering and interpreting the first escape

code by a display engine, the first format is determined and the first string with the

portion of the first string in the first format is generated for display. HTML teaches

providing a tag/first escape code within a first string of the set wherein the first escape

code provides an indication of at least a portion of the first string that is to be displayed

in a first format so that upon encountering and interpreting the first escape code by a

display engine, the first format is determined and the first string with the portion of the

first string in the first format is generated for display (pages 123-125, 207-208 and 564-

566; e.g. *tag/escape code <B> or <U> provides an indication that at least a portion of a*

first string is to be displayed in a first format such as "**September 26, 1996**" *or "*<u>Sign

Here</u>"). It would have been obvious to an artisan at the time of the invention to

incorporate the method of HTML with the method of Piwonka in order to change the

appearance of text or string so it is somehow different from the surrounding strings.

As per claim 2, the modified Piwonka teaches a method of providing a BIOS

generated display of strings in a computer comprising providing a cancel escape code

within the first string and wherein the portion of the first string between the first escape

code and the cancel escape code is displayed in the first format (Piwonka: figs. 2-4; col.

6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and 564; e.g. *cancel*

tags/cancel escape codes "/<B>" or "/<U>").

As per claim 3, the modified Piwonka teaches a method of providing a BIOS

generated display of strings in a computer comprising providing a second escape code

within the first string of the set wherein the second escape code provides an indication

of at least a portion of the first string that is to be displayed in a second format and

wherein the portion of the first string between the first escape code and the second

escape code is displayed in the first format and wherein the portion of the first string

after the second escape code is displayed in the second format (Piwonka: figs. 2-4; col.

6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125; *disclosed are a plurality of*

tags/escape codes used such as *<B>,r <U>, </>, etc.* and a plurality of formats

displayed such as "**September 26, 1996**", "Sign Here", *"Inferno", etc.*).

As per claim 4, the modified Piwonka teaches a method of providing a BIOS

generated display of strings in a computer comprising providing a third escape code

within a second string of the set, wherein the third escape code provides an indication of

at least a portion of the second string that is to be displayed in a third format (Piwonka:

figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125; *disclosed are a*

plurality of tags/escape codes used such as *<B>,r <U>, </>, etc.* and a plurality of

formats displayed such as "**September 26, 1996**", "Sign Here", *"Inferno", etc.*).

As per claim 5, the modified Piwonka teaches a method of providing a BIOS

generated display of strings in a computer wherein the first format is a bold typeface

(Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and

564).

As per claim 7, the modified Piwonka teaches a method of providing a BIOS

generated display of strings in a computer wherein the first format is an underlined

typeface, the method further comprising displaying the portion of the first string in the

underlined typeface by controlling each bottom row pixel of each character of the portion (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and 566).

As per claim 8, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer wherein the first format is a first text color and a first background color (HTML: pages 207-208).

Claims 9 and 10 in combination is similar in scope to claim 5 and is therefore rejected under similar rationale.

Claims 12, 13 and 14 in combination is similar in scope to claim 7 and is therefore rejected under similar rationale.

Claim 15 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 2 and is therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 5 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 7 and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 8 and is therefore rejected under similar

rationale.

5.   Claims 6, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Piwonka et al. ("Piwonka") in view of *Teach Yourself Web Publishing with HTML 4*

in a Week ("HTML") as applied to claims 5, 10 and 19 respectively, and further in view

of Hays et al. ("Hays").

As per claim 6, although the modified Piwonka teaches a method of providing a

BIOS generated display of strings in a computer comprising displaying the portion of the

first string in the bold typeface (HTML: pages 123-125 and 564; e.g. *tag/escape code*

<B> provides an indication that at least a portion of a first string is to be displayed in a

first format such as "**September 26, 1996**"), Piwonka does not explicitly disclose the

portion of the first string in the bold typeface is displayed by shifting a copy of each

character pixel row data by one pixel position and performing a logical OR on each

character row data with the shifted copy to control pixels that produce the display of

each character of the portion. Hays teaches a portion of the first string in the bold

typeface is displayed by shifting a copy of each character pixel equivalent row data by

one pixel equivalent position and performing a logical OR on each character row data

with the shifted copy to control pixels, or equivalence thereof, that produce the display

of each character of the portion (col. 1, lines 9-16).It would have been obvious to an

artisan at the time of the invention to incorporate the method of HTML with the method

of the modified Piwonka in order to provide users with an implementation preference.

Claims 11 and 20 are individually similar in scope to claim 6 and are therefore rejected under similar rationale.

Response to Arguments

6.   Applicant's arguments filed 5/1/07 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Piwonka does not teach or suggest that the BIOS includes a display engine for encountering and interpreting the first escape code, and HTML does not discuss a BIOS. Furthermore, although Piwonka teaches that strings will be presented in a particular format by the BIOS, Piwonka does not teach or suggest that a string is presented in a modified format that can be easily changed.

(b) Only with hindsight gleaned from applicant's disclosure can one come to the conclusion that HTML can be combined with the BIOS teachings of Piwonka, moreover, HTML is non-analogous art.

(c) Piwonka does not discuss underlining, and HTML discloses the formatting tag <u> for underlining text without disclosing how the underlining is achieved.

The Office disagrees for the following reasons:

Per (a) and in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231

USPQ 375 (Fed. Cir. 1986). Piwonka teaches providing a set of strings to be displayed by the BIOS in a first format (figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28). The teaching extracted from HTML was for the feature of encountering and interpreting the first escape code (pages 123-125, 207-208 and 564-566).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that a string is presented in a modified format, one that can be easily changed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Per (b) and in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Furthermore, in response to applicant's argument that HTML is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the

claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir.

1992). In this case, HTML is in the field of applicant's endeavor and is pertinent to the

particular problem with which the applicant was concerned, i.e. formatting text.

Per (c), as depicted on pages 123-125 of HTML, "Sign Here" shows how a first

character and subsequent characters are rendered as a result of using the <u> tag for

underlining, i.e. a bottom row pixel of a character is manipulated/controlled so that a line

is drawn on the bottom line of the character such as "S".

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Inquires

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
July 2, 2007

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